

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

BETH ELLEN RAINES,

Plaintiff,

Case No.: 3:16-cv-40

vs.

COMMISSIONER
OF SOCIAL SECURITY,

Magistrate Judge Michael J. Newman
(Consent Case)

Defendant.

**ORDER AND ENTRY: (1) GRANTING THE JOINT, UNOPPOSED MOTION FOR
REMAND (DOC. 11); (2) REVERSING THE ALJ'S NON-DISABILITY FINDING; (3)
REMANDING THIS CASE TO THE COMMISSIONER UNDER THE FOURTH
SENTENCE OF 42 U.S.C. § 405(g) FOR FURTHER ADMINISTRATIVE
PROCEEDINGS; (4) DIRECTING THE CLERK TO ENTER JUDGMENT IN FAVOR
OF PLAINTIFF; AND (5) TERMINATING THIS CASE ON THE COURT'S DOCKET**

This Social Security disability benefits appeal is presently before the undersigned for disposition based upon the parties' consent. Doc. 7. The parties jointly move for an Order remanding this case for further administrative proceedings pursuant to the Fourth Sentence of 42 U.S.C. § 405(g). Doc. 11.

The parties jointly request -- and the Court **ORDERS** -- that, upon remand, the Administrative Law Judge ("ALJ") shall: (1) at Step Three, reconsider and, with specific citations to the record, explain consideration of Plaintiff's impairments within context of Listings §§ 1.02 & 1.03; (2) reconsider the mental residual functional capacity ("RFC") assessment in comparison with the medical source opinion of Dr. Schulz, and give specific reasons for accepting or rejecting the particular RFC limitations; (3) explain, with references to the record, how the RFC accommodates Plaintiff's stress, concentration, persistence, and pace; (4) reevaluate Plaintiff's subjective symptoms regarding both her physical and mental conditions

with full consideration of the record during the relevant period under consideration, and then reconsider Plaintiff's RFC finding; (5) after reconsidering Plaintiff's RFC finding, reevaluate Steps Four and Five of the sequential evaluation (and in so doing, request additional vocational expert testimony); and (6) offer the claimant the opportunity for a hearing, take further action to complete the administrative record resolving the above issues, and issue a new decision. *Id.*

For good cause shown, and because the requirements of a Sentence Four remand have been satisfied, **IT IS ORDERED THAT:** (1) the parties' joint, unopposed motion for a Sentence Four remand (doc. 11) is **GRANTED**; (2) the ALJ's non-disability finding is **REVERSED**; (3) this case is **REMANDED** to the Commissioner under the Fourth Sentence of 42 U.S.C. § 405(g) for further proceedings as **ORDERED** above; and (4) this case is **TERMINATED** upon the Court's docket.

The Clerk is **ORDERED** to enter judgment in favor of Plaintiff.

IT IS SO ORDERED.

Date: August 24, 2016

s/ Michael J. Newman

Michael J. Newman
United States Magistrate Judge